

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF DAVID BUCHANAN FOR A § No. 154, 2012
WRIT OF CERTIORARI §

Submitted: April 17, 2012
Decided: May 9, 2012

Before **HOLLAND, BERGER**, and **JACOBS**, Justices.

ORDER

This 9th day of May 2012, upon consideration of David Buchanan's petition for a writ of certiorari, as well as the State's answer and motion to dismiss, it appears to the Court that:

(1) Buchanan seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari to review alleged errors occurring in a Family Court civil proceeding, which purportedly affected a later Superior Court criminal proceeding that resulted in Buchanan's conviction on several sets of criminal charges. The State of Delaware has filed a response to Buchanan's petition and moves to dismiss. We conclude that Buchanan's petition manifestly fails to invoke the original jurisdiction of this Court and therefore must be dismissed.

(2) A writ of certiorari is an extraordinary remedy that is used to correct irregularities in the proceedings of a trial court.¹ Certiorari is available to challenge a

¹ *Shoemaker v. State*, 375 A.2d 431, 437 (Del. 1977).

final order of a trial court where the right of appeal is denied, a grave question of public policy and interest is involved, and no other basis for review is available.² “Where these threshold requirements are not met, this Court has no jurisdiction to consider the petitioner's claims, and the proceedings will be dismissed.”³

(3) In this case, Buchanan argues that the Family Court had no jurisdiction to prohibit Buchanan from possessing firearms and that the Superior Court, thus, could not convict him of possession of a firearm by a person prohibited. Buchanan’s argument, however, overlooks the fact that his Superior Court convictions were appealed and were affirmed by this Court on direct appeal.⁴ Buchanan had an adequate remedy in the criminal appellate process.⁵ Because Buchanan has failed to establish that his petition involves a question of grave public policy and interest for which there was no other basis for review, we conclude that his petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

² *Id.* at 437-38.

³ *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

⁴ *Buchanan v. State*, 981 A.2d 1098 (Del. 2009).

⁵ *In re Woods*, 2010 WL 2164529 (Del. May 28, 2010).